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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,423	01/15/2004	Sergio Bernasconi	5002-1051	3360
466	7590	06/01/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/757,423	BERNASCONI, SERGIO
	Examiner Ruth C Rodriguez	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species I in the reply filed on 20 May 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 20 May 2005.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the use of legal phraseology in the abstract, more specifically the word "means" in lines 3, 7, 9 and 16 and the word "said" in lines 4, 8, 9 and 14. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

- Page 1, line 34, "the said" should be replaced with --the-- or --said--.
- Page 2, lines 17 and 30, "the said" should be replaced with --the-- or --said--.
- Page 3, line 5, "the said" should be replaced with --the-- or --said--.
- Page 4, lines 6, 7, 12, 19, 30 and 32, "the said" should be replaced with --the-- or --said--.
- Page 5, lines 7, 15, 20 and 23, "the said" should be replaced with --the-- or --said--.

Correction is required.

***Claim Objections***

6. Claims 1 and 2 are objected to because of the following informalities:
- Claim 1, lines 4, 8, 9 and 14 and Claim 2, lines 3, 6, 10 and between lines 8 and 9 recite "the said" that should be replaced with --the-- or --said--.
  - Regarding claim 1, the phrase "in which are positioned means" renders the claim indefinite because it is unclear what element is being referred to by the use of "in which".

Correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ulrich et al. (US 2,423,210).

Slider for zip fasteners with two tabs comprises a hollow body (B), two tabs (p,p') and a fork (L). The hollow body has positioned means (L,28,30) designed to cause the disengagement of a pawl (34) from the teeth of a fastener (e) when either one of the two tabs is pulled by overcoming the resistance of elastic means (38) that keep the pawl

inserted between the teeth (e). The means consist of the fork provided with two prongs (28,30) positioned on opposite sides of the plane of the aforesaid teeth and pivoted at a point (f) of the slider in such a way that it can rotate in a plane perpendicular to the plane of the teeth when a force is exerted on at least one of its prongs by means of the tab connected to it by its ring (46,52) (Figs. 1-8).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morin (US 2,953,831).

Slider (10) for zip fasteners with two tabs comprises a hollow body (11,12,13), two tabs (31,34) and a fork (L). The hollow body has positioned means (L,25,38) designed to cause the disengagement of a pawl from the teeth of a fastener when either one of the two tabs is pulled by overcoming the resistance of elastic means (21) that keep the pawl inserted between the teeth (Figs. 1-4). The means consist of a fork (28) provided with two prongs (25 and around 38) positioned on opposite sides of the plane of the aforesaid teeth and pivoted at a point (48) of the slider in such a way that it can rotate in a plane perpendicular to the plane of the teeth when a force is exerted on at least one of its prongs by means of the tab connected to it by its ring (30 or 36) (Figs. 1-4).

#### ***Allowable Subject Matter***

10. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: Ulrich and Morin disclose a slider having all the limitations listed above for the rejection of claim 1. Ulrich and Morin disclose that the pawl is part of the fork. Ulrich and Morin fail to disclose that the slider comprises an elastic strip terminating in the pawl. Although, the prior art of record discloses a slider having an elastic strip terminating in the pawl and the prior art of record fails to disclose the use of a fork in combination with an elastic strip. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have a slider with two pull tabs capable of moving a pawl where a fork engages both pull tabs and the pawl is provided in an end of an elastic strip instead of providing the pawl as part of the fork.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ulrich et al. (US 2,423,210), Bashover (US 2,657,444), Morin (US 2,953,831), Brown (US 3,006,050) and Carlile (US 3,129,480) are cited to show state of the art with respect to a slider having two pull tabs to move a pawl provided in the slider.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on (Date).

(Typed or printed name of person signing this certificate)

(Signature)

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If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
May 27, 2005